

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JENNIFER SMITH and
SHAWN MATEJOVICH,

Petitioners,

v.

GEORGE KALTNER, individually and in his
capacity associated with Sales Technologies,
Inc. and Avatar Technologies, Inc. (PHA),

Respondent.

16 MISC 018

Misc. Action No. _____

(Related to 1:13-cv-2018, N.D. Ill.)

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U.S. DISTRICT COURT SDNY

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law in support of this motion, supporting declaration of Alexander H. Burke, and exhibits attached thereto, petitioners Jennifer Smith and Shawn Matejovich will and hereby do move this Court, at the United States District Court, 500 Pearl Street, New York, New York 10007, at 11:00 a.m. on Tuesday, February 23, 2016, or as soon thereafter as the matter may be heard before the Part I Judge, for an Order, pursuant to Fed. R. Civ. P. 45, compelling respondent George Kaltner to produce documents in response to the subpoena issued by petitioners in the underlying matter of *Smith v. State Farm Mutual Auto. Ins. Co.*, No. 13-2018 (N.D. Ill.) ("*State Farm Action*"), and submit to a deposition.

This motion is supported by the attached memorandum, the accompanying declaration of Alexander H. Burke and attached exhibits, facts of which this Court may take judicial notice, the record in the underlying *State Farm Action*, arguments of counsel if any, and any other matters as may properly come before the Court.

Respectfully submitted,

JENNIFER SMITH and SHAWN MATEJOVICH

Dated: January 15, 2016

By: 

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Counsel for Petitioners

CERTIFICATE OF SERVICE

I certify that, on January 15, 2016, upon the filing of this document, I am causing a true and correct copy of petitioners' (1) Notice of Motion, (2) Memorandum of Law in Support of Motion to Compel Production and Deposition Testimony Pursuant to Subpoena, and (3) Declaration of Alexander H. Burke in Support of Motion to Compel Testimony and Production Pursuant to Subpoena, with exhibits, to be sent via electronic and U.S. mail to the following:

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Dated: January 15, 2016


Jonathan D. Selbin
One of Plaintiffs' Attorneys